

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL D. HEARNES,

Plaintiff,

No. CIV S-04-0198 GEB GGH P

vs.

CA. DEPT. OF CORRECTIONS, et al.,

Defendants.

ORDER

On June 13, 2005, the court recommended that this action be dismissed for plaintiff's failure to file an amended complaint as required by the order filed March 30, 2005.

On July 1, 2005, plaintiff filed objections to the findings and recommendations. Plaintiff states that he did not receive the March 30, 2005, order.

Although the March 30, 2005, order was properly served on plaintiff, the court will vacate the June 13, 2005, findings and recommendations and direct the Clerk of the Court to re-serve plaintiff with the March 30, 2005, order.

Accordingly, IT IS HEREBY ORDERED that:

1. The June 13, 2005, findings and recommendations are vacated;
2. The Clerk of the Court is directed to re-serve plaintiff with the March 30, 2005, order;

1 3. Plaintiff is granted thirty days from the date of this order to file an amended
2 complaint.

3 DATED: 7/12/05

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5 /s/ Gregory G. Hollows

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7 GREGORY G. HOLLOWS
8 UNITED STATES MAGISTRATE JUDGE

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